



Office of the Mayor and Council
City of College Park
7401 Baltimore Avenue, Suite 201
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPV-2022-02 Name: Eric and Rachel Gregory

Address: 6909 Rhode Island Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

March 8, 2022.

CERTIFICATE OF SERVICE

This is to certify that on March 9, 2022 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2022-02,
6909 RHODE ISLAND AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING
APPROVAL OF A 10.0% LOT COVERAGE VARIANCE FROM SECTION 27-442(C)
TABLE II OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, FOR AN
ADDITION**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by City Code §190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442(c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-442(c), Table II, of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on December 8, 2021, Eric and Rachel Gregory ("Applicants"), submitted an application for a variance of 10.0% or 922.40 square feet from the maximum allowable lot coverage for a property located at 6909 Rhode Island Avenue, College Park ("Property"); and
- WHEREAS,** on February 3, 2022, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code; and
- WHEREAS,** based upon the evidence and testimony presented, the APC voted 6-0-0 to recommend the approval of the variance; and

WHEREAS, the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to the variance requests; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-09 to approve variances to permit a driveway in the front yard.

Section 1 Findings of Fact

- 1.1 The property is mostly rectangular. The northern property line is 150.81 feet deep, and the southern property line is 146.22 feet deep. The western property line is 61.95 feet wide, and the eastern property line is 62.35 feet wide. The total area of the lot is 9,190 square feet.
- 1.2 The property is improved with a 1,131.1 square foot, two-story frame house, a 590.5 square foot freestanding garage, a rear deck, and a 1,980.4 square foot driveway. The driveway connects to a 2-car garage at the very back of the lot. The brick paver driveway is 9-feet wide and widens in the rear yard to provide a turn-around area and a patio area.
- 1.3 The existing lot coverage exceeds the maximum allowed by 10.3%.
- 1.4 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.5 Long driveways leading to detached garages in the rear yard are common in the Calvert Hills Neighborhood.
- 1.6 Calvert Hills is a National Register Historic District.
- 1.7 The house was built in 1946 and the garage and driveway were likely built around that time. The Zoning Ordinance was adopted on November 29, 1949, after these improvements were built. A search of building permit records did not find any permits for the house or garage. A check of aerial photographs did not find a readable photograph of the property prior to 2005. The 2005 aerial clearly shows the house, driveway, and detached garage.
- 1.8 The proposed 225 square foot, screened in porch will not increase existing lot coverage as the Applicants propose to remove at least 225 square feet of the driveway/patio at the rear of the house.
- 1.9 The proposed screened porch will replace an existing deck that is not used, according to the property owners, because of mosquito infestation and exposure to severe weather conditions including ice.

- 1.10 The back entrance to the house allows convenient access to the Applicant's trash and recycling receptacles.
- 1.11 The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35%.
- 1.12 The Applicant submitted five letters of support from neighboring property owners.

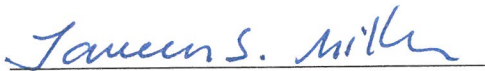
Section 2 Conclusions of Law

- 2.1 The property is exceptionally deep with a driveway that connects to a detached garage at the rear property line, which is a historic characteristic of the neighborhood. The resulting long driveway adds significantly to lot coverage. These longstanding improvements preceded the Zoning Ordinance, and already cause lot coverage restrictions to be exceeded by 10.3%.
- 2.2 The strict application of the Zoning Ordinance will result in a practical difficulty for the Applicants by preventing them from replacing an existing deck with a screened in porch, a reasonable and common residential use. The rear yard is mosquito infested and a screened porch will allow increased use of this area.
- 2.3 Granting the lot coverage variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan because lot coverage will not be greater than the existing lot coverage due to Applicants' removal of a portion of the existing driveway/patio.

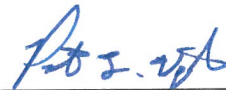
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, to approve CPV-2022-02 to approve a lot coverage variance to allow the construction of a 225 square-foot screened porch subject to the removal of 225 square feet of driveway/patio as shown on the site plan.

ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 8th day of March 2022.

CITY OF COLLEGE PARK

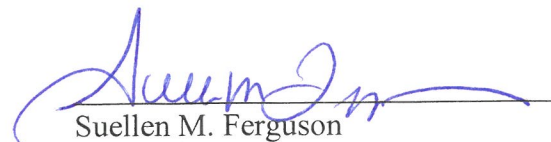


Janeen S. Miller, CMC
City Clerk



Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Suellen M. Ferguson
City Attorney